IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

WP(C).No. 23413 of 2007(K)

PETITIONER:

DR. M.SREEKALA,
U.D. CLERK, OFFICE OF THE DEPUTY DIRECTOR OF PANCHAYATHS, MALAPPURAM.

BY ADV. SMT.I.SHEELA DEVI

RESPONDENTS:
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1. **STATE OF KERALA,**
   REPRESENTED BY THE DEPUTY SECRETARY TO GOVERNMENT, DEPARTMENT OF LOCAL SELF,GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. **DIRECTOR OF PANCHAYATHS,**
   THIRUVANANTHAPURAM.

3. **DEPUTY DIRECTOR OF PANCHAYATHS, KOLLAM.**

4. **GOPALAKRISHNA PILLAI,**
   KAVALAM PANCHAYATH, ALAPPUZHA.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN,J

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W.P.(C).No.23413 of 2007

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Dated this the 31st day of July 2007

JUDGMENT

The Petitioner claims to be the dependent of a Military Personnel who is eligible for service benefits as stipulated in Ext.P1 guidelines issued by the Government. The petitioner's grievance is that disregarding her claim under Ext.P1, which contemplated transfer to a station of petitioner's choice, Ext.P5 order has been passed without giving her transfer as requested for. The petitioner also points out that in Ext.P3 list prepared by the 2nd respondent, petitioner's claim was duly noted and recognised. Petitioner has filed Ext.P4 representation in this matter, which has not been taken in to account while passing Ext.P5 order. The contention is that although the petitioner was entitled to be transferred to Kollam, the 4th respondent has been preferred for that station. The petitioner therefore, seeks the following reliefs:

i) “call for the records leading to Ext.P5 proceedings, and quash the same to the extent it relates to the transfer of 4th respondent to Kollam District, by the issue or a writ in the nature of certiorari or any other appropriate writ, direction or order.

ii) Issue a writ of mandamus or any other appropriate writ, direction or order directing the 1st and 2nd respondents to grant the benefits available to dependents of military personnel to the petitioner and to transfer her from Malappuram District to Kollam district, at once."

The learned Government Pleader would submit that it is doubtful as to whether petitioner's brother is a Jawan and as to whether the petitioner is entitled to benefits of Ext.P1. The learned counsel for the petitioner submits that the respondents 1 to 3 cannot take such a contention in view of Ext.P3 in which petitioner's name has been duly noted. After having heard the learned counsel for the petitioner and the Government Pleader, I feel that the second respondent should consider the claim of the petitioner in the light of Exts.P1 and P3. This shall be done with notice to the petitioner as well as the 4th respondent within a period of one month from the date of receipt of a copy of this judgment.

Writ petition is disposed of as above.

S.SIRI JAGAN, JUDGE

dvs